

To: Jackson, Scott[Jackson.Scott@epa.gov]
From: Russ, Timothy
Sent: Mon 4/15/2013 8:18:47 PM
Subject: Latest Draft NPL Project NEPA General Conformity Comments - Esp. for Drill Rigs & Federal Definitions (TJR DATED 4/15/13)

Hi Scott,

Perhaps a bit wordy, but see what you think (for consistency, I also included the prior paragraph and following paragraph) -

“In considering the general conformity permit exemption language in Chapter 8, Section 3(c)(iv)(A), we note that Wyoming’s Chapter 8, Section 3, does not actually contain a definition of a stationary source. However, for permitting purposes, stationary sources are defined as buildings, structures, facilities or installations in Wyoming’s WAQSR Chapter 6 permitting requirements and by EPA in 40 CFR 51.165 for NSR and 40 CFR 52.21 for PSD.

With specific regard to drill rig engines and the State’s general conformity permit exemption language in Chapter 8, Section 3(c)(iv)(A), EPA evaluated if drill rig engines would qualify as a stationary source for the permit exemption. For this assessment, we first needed to establish how drill rig engines were defined by the State as being either **stationary engines** or **non-road engines**. EPA, however, was unable to find such definitions in either Wyoming’s WAQSR Chapter 6 or WAQSR Chapter 8. Lacking such State definitions, we then relied on EPA’s federal definitions. Engines which are considered as stationary sources are defined in 40 CFR 60.4219. With respect to the engines associated with drill rigs, they do not meet the above definition; they are defined as non-road engines in 40 CFR 1068.30. The exception to EPA’s non-road engine definition is that non-road engines which remain at a single location for more than one year are not considered non-road engines (see 40 CFR 1068.30(2)). We have attached our June 2, 2009 letter which discusses EPA’s interpretation of these definitions and how they apply to drill rig engines[1].

In view of the existing federal regulations, EPA notes that if a drill rig does not remain at a single location for more than one year, it does not meet the federal regulatory definition of a stationary source.

Ex. 5 - Deliberative Process

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Thanks!

Tim

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[1] See attached letter from EPA to Wild Earth Guardians, June 2, 2009.